

STATEMENT OF FACT

I, James Peter Kyricopoulos state the following chronology to be true to the best of his knowledge:

1. Petitioner was convicted on Oct. 21, 2014, jury trial.
2. Petitioner was sentenced on Oct. 27, 2014, filed Notice of Appeal same day, plus Motion to Waive Costs and Ordering trial transcripts, docket entry no. 86.
3. Petitioner immediately filed Petition of Unlawful Restraint pursuant to crim. r. 30A, on Oct. 28, 2014, denied without hearing on Nov. 3, 2014.
4. Petitioner filed Motion to Amend Petition of Unlawful restraint and Amended Petition dated Nov. 25, 2014.
5. Motion to Amend was Allowed on Dec. 22, 2014, amended petition was denied without hearing on April 15, 2015.
6. Appeal was immediately filed upon receipt of Denial.
7. Appeal was blocked, filed habeas corpus in U.S. District Court, no. 15-12789-IT, dismissed without prejudice on March 31, 2016.
8. Filed Motion for Court Order to forward Appeal of Amended Petition of Unlawful Restraint to Appeals Court, no. 2016-J-0223, allowed in part, dated June 9, 2016, refused to docket appeal for adjudication.
9. Appeal of both conviction and Unlawful Restraint was stayed, petitioner was refused trial transcripts in direct violation of state law.
10. Petitioner filed Writ of Mandamus to SJC, no. SJ-2016-0182,

denied on Sept. 6, 2016, see attached copy of Order by SJC.

11. Petitioner filed second habeas corpus, no. 16-12431-IT, dismissed again for not exhausting state remedies, petitioner challenges the claim by the U.S. District Court that petitioner did not attempt to bring claim to SJC, but will defer any further comment re: that issue.
12. Petitioner then filed "loaded" Writ of Mandamus, which included all 18 federal and mass,.constitutional deprivations, again titled total constitutional deprivations, document marked with SJC docket no. SJ-2017-0182, under Mass state Law, it had to be Allowed, charges dismissed, release from state prison immediately, using as controlling cases, "Commonwealth v. Lee," and "In Petition of Williams," both SJC cases, re: delay of producing trial transcripts for defendant to perfect Appeal, the Single Justice, Elspeth Cypher colluding with Asst' Attorney General Badway, falsify docket entries to committ perjury, the 9only way Writ could be denied, as this Court said in "United States v. Therrien, the first circuit, excuse me, said the following:

" a defendant's claim of outrageous government misconduct faces a demanding standard, permitting the dismissal of criminal charges, only in those very rare instances when the government misconduct is so appalling and egregious as to violate due process shocking the universeal sense of justice."

How are was it for the defendant/petitioner to discover this egregious misconduct, an eighth grader could have discovered, see

it, WOW. AS this Court said in "Mandeville v. Thompson, confirmed by First Circuit, must present federal claims fairly to State's highest Court, the petitioner has gone way beyond that requirement as dictated in this Circuit.


This Court said in United States v. Marquez-Perez, 2016, to show judicial misconduct 1) Judge acted improperly, and 2) causing the defendant prejudice. WOW.

also the First Circuit said in: IN RE: Auerhahn, 2011, a federal judge has an ethical obligation to initiate appropriate action when A Judge becomes aware of reliable evidence indicating the likelihood of unprofessional conduct by a Lawyer, see Federal Judges Code of Conduct, Canon 3 (b)(3).

Regarding the falsification of docket entries, as controlling case, the petitioner directs this Court to "Wheel v. Robinson," 2nd circuit, where a state judge of the state of Vermont, falsify docket entries to commit perjury, falsifying pay vouchers, she was sentenced to prison.

The petitioner has nothing further to add at this point, but is sitting with more, all with Writ of Mandamus, no. 17-1651. 1st cir.

Respectfully submitted,


James Peter Kyricopoulos,
petitioner, pro-se
presently incarcerated at:
Old colony Correctional Center
Minimum Security
One administration Road
Bridgewater, Mass. 02324

Dated: Sept. 9, 2017

No. SJ-2017-0182

TOTAL CONSTITUTIONAL DEPRIVATIONS

1. Petitioner was arrested without "probable cause," within his Petition of Unlawful Restraint:

U.S. and Mass. Constitutioins: 4th, 5th, 6th and 14th amendments;
2. Petitioner DENIED Fair Trial: 5th, 6th and 14th amendments to U.S. and Mass. Constitutions;
3. Denied Due Process; 5th and 14th amendments of U.S. and Mass. Constitutiins;
4. Denied Equal Protection of Law, being able to Appeal Petition of Unlawful Restraint, Crim. R. 30A;;

5th and 14th amendments of U.S. and Mass. Constitutions;

throw in 6th amendment also of both constitutions, fair trial.
5. Denied Due Process in obtaining pre-trial and trial transcripts;

5th, 6th, and 14th amendments of both constitutions;
6. Denied Egvual Protection of Administrative Order, no. 09-2, obtainingtranscripts within time standsards of said Administrative Order, No. 09-2:

5th, 6th and 14th amendments of both constitutions.

This ENOUGH, only in the Commonwealth, 32 months of false imprisonment, petitioner counts "ONLY" 18 violations of the United States and Massachusetts Constyitutions.

WOW, repeat, WOW, please put out a "all out points bulletin," (APB), where is the Attorney General, top cop, what a JOKE.

COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT CLERK'S OFFICE
John Adams Courthouse
One Pemberton Square, Suite 1200
BOSTON, MASSACHUSETTS 02108-1705
(617) 725-8106

June 9, 2016

James Peter Kyricopoulos, Pro Se
Old Colony Correctional Center
One Administration Road
Bridgewater, MA 02324

RE: No. 2016-J-0223
Lower Ct. No.: ESCR2013-0547

COMMONWEALTH

vs.

JAMES PETER KYRICOPOULOS

NOTICE OF DOCKET ENTRY

Please take note that, with respect to the Motion for an expedited ruling, filed by James Peter Kyricopoulos. ^ (Paper #3),

on June 9, 2016, the following order was entered on the docket of the above-referenced case:

RE#3: The within is treated as a motion to compel assembly of the record and as such, allowed. The trial court is to forthwith assemble the record forthwith from the notice of appeal filed by defendant on April 28, 2015, in ESCR2013-0547. All other requested relief is denied. (Trainor, J.). *Notice

Very truly yours,

The Clerk's Office

Dated: June 9, 2016

To: Elin H. Graydon, Assistant District Attorney
Jonathan W. Blodgett, Assistant District Attorney
Annette C. Benedetto, Assistant Attorney General
James Peter Kyricopoulos
Superior Court



MAURA S. DOYLE
CLERK

The Commonwealth of Massachusetts
SUPREME JUDICIAL COURT

FOR SUFFOLK COUNTY

JOHN ADAMS COURTHOUSE

ONE PEMBERTON SQUARE, SUITE 1300
BOSTON, MASSACHUSETTS 02108-1707

WWW.SJCCOUNTYCLERK.COM

CASE INFORMATION (617) 557-1100
FACSIMILE (617) 557-1117
ATTORNEY SERVICES (617) 557-1050
FACSIMILE (617) 557-1055

September 6, 2016

James Peter Kyricopoulos, Pro Se
Old Colony Correctional Center/Minimum Security
One Administration Road
Bridgewater, MA 02324

RE: No. SJ-2016-0342

JAMES PETER KYRICOPOULOS

v.


THOMAS DRISCOLL, JR., ASSISTANT DISTRICT ATTORNEY ELIN GRAYDON,
and APPEALS COURT JUSTICE J. TRAINOR, and CLERK

Essex Superior Court
No. 1377CR00547; APPEALS COURT NO. 2016-P-0967; 2016-J-0223

NOTICE OF DOCKET ENTRY

You are hereby notified that on September 6, 2016, the following
was entered on the docket of the above referenced case:

JUDGMENT: ... "it is ORDERED that the petition for relief pursuant to
G. L. c. 211, § 3, shall be, and hereby is, DENIED." (Gaziano, J.)


Maura S. Doyle, Clerk

To: James Peter Kyricopoulos
Elin H. Graydon, Assistant District Attorney
Essex Superior Court
Appeals Court / Comm. of Mass.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
NO: SJ-2016-0342

SUPERIOR COURT DEPARTMENT
ESSEX SUPERIOR COURT
No. 1377CR00547

JAMES PETER KYRICOPOULOS

VS.

THOMAS DRISCOLL, JR., ASSISTANT DISTRICT ATTORNEY ELIN GRAYDON,
and APPEAL COURT JUSTICE J. TRAINOR, and CLERK


JUDGMENT

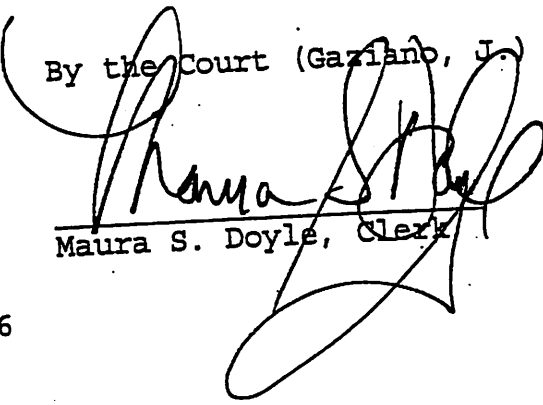
This matter came before the Court, Gaziano, J., on a petition for extraordinary relief pursuant to G. L. c. 211, § 3, concerning a number of the petitioner's motions for post-conviction relief, consolidated appeals from the denials of which are now pending in the Appeals Court. The petitioner also asks this court to provide various documents, including docket sheets, from the Superior Court proceedings.

The petitioner has not established that he is entitled to the extraordinary relief available under G. L. c. 211, § 3. The petitioner's substantive appeals are now pending in the Appeals Court, and the petitioner may file motions for docket sheets and other documents in the first instance in the Superior Court. Thus, the petitioner has adequate and available other means by

which to seek relief.

Upon consideration, it is ORDERED THAT the petition for relief pursuant to G. L. c. 211, § 3, shall be, and hereby is, DENIED..

By the Court (Gaziano, J.) 


Maura S. Doyle, Clerk

Entered: September 6, 2016



The Commonwealth of Massachusetts
SUPREME JUDICIAL COURT

FOR SUFFOLK COUNTY

JOHN ADAMS COURTHOUSE

ONE PEMBERTON SQUARE, SUITE 1300

BOSTON, MASSACHUSETTS 02108-1707

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MAURA S. DOYLE
CLERK

June 12, 2017

CASE INFORMATION (617) 557-1100

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ATTORNEY SERVICES (617) 557-1050

FACSIMILE (617) 557-1055

James Peter Kyricopoulos - W105398, Pro Se
Old Colony Correctional Center
Minimum Security
Bridgewater, MA 02324

RE: No. SJ-2017-0182

JAMES PETER KYRICOPOULOS

V.

CLERK OF APPEALS COURT & THOMAS H. DRISCOLL JR, CLERK OF COURTS
FOR ESSEX COUNTY

Appeals Court

No.2016-P-0967, 2016-J-0223, 1377CR00547

NOTICE OF DOCKET ENTRY

You are hereby notified that on June 12, 2017, the following was
entered on the docket of the above referenced case:

JUDGMENT: ... "it is ORDERED that the petition be, and the same
hereby is, denied without hearing on the grounds of mootness."
(Cypher, J.)

A handwritten signature in cursive script, reading "Maura S. Doyle".
Maura S. Doyle, Clerk

To: James Peter Kyricopoulos - W105398
Eva M. Badway, Assistant Attorney General
Appeals Court / Comm. of Mass.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
No. SJ-2017-182

Appeals Court
No.2016-P-0967

ESSEX SUPERIOR COURT
1377CR00547

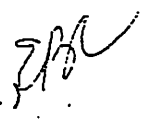
JAMES PETER KYRICOPOULOS

v.

CLERK OF THE APPEALS COURT & THOMAS H. DRISCOLL JR., CLERK OF
COURTS FOR ESSEX COUNTY

JUDGMENT

This matter came before the Court, Cypher, J., presiding,
on a petition pursuant to G.L. c. 211, § 3, and upon
consideration thereof, it is ORDERED that the petition be, and
the same hereby is, denied without hearing on the grounds of
mootness.

By the Court, (Cypher, J.) 


Assistant Clerk

Entered: June 12, 2017